

**CALENDAR ITEM
C31**

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06/29/15

S 3

PRC 8456.1

M. Schroeder

**RESCISSION OF APPROVAL AND ISSUANCE OF A
GENERAL LEASE – RECREATIONAL USE**

APPLICANT:

Matthew Adrian Young and Pamela Diane Thompson Young, Trustees of the Young Family Trust dated May 16, 2013

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Napa River, adjacent to 1308 Milton Road, city of Napa, Napa County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, walkway, and three pilings.

LEASE TERM:

10 years, beginning May 28, 2013.

CONSIDERATION:

\$166 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the upland adjoining the lease premises. Assessor's Parcel Number (APN) 047-350-027 is situated between the Applicant's upland parcel, which has an address of 1308 Milton Road (APN 047-350-004), and the Napa River. The Applicant has an express easement over the intervening parcel for a right-of-way access to the bank of the Napa River for construction and maintenance of a docking facility.
2. On April 7, 2003, the Commission authorized a 10-year General Lease – Recreational Use to Matthew A. Young and Pamela T. Young for a walkway and four attached docks. That lease expired on January 4, 2013.

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3. On September 20, 2013, the Commission authorized a General Lease – Recreational Use to Matthew A. Young and Pamela T. Young. At the time of processing the lease application, it was staff's understanding there were no changes in ownership. However, after Commission authorization, staff became aware that the ownership had changed on May 28, 2013. Due to the change in ownership, staff requests that the authorization made by the Commission at the September 20, 2013 meeting be rescinded. The Commission did not execute the lease originally approved. The Applicant is now applying for a new General Lease – Recreational Use.
4. The Applicant constructed two of the four docks authorized in the previous lease and one of the constructed docks was subsequently removed. Consequently, only one of the four previously authorized floating boat docks remains adjacent to the property and is being considered in the new lease.
5. **Rescission of Lease Approval:** The staff recommends that the Commission find that the subject rescission of lease approval does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

6. **Issuance of New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

CALENDAR ITEM NO. **C31** (CONT'D)

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Rescission of Lease Approval: Find that the subject rescission of lease approval is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of New Lease: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize rescission of authorization to enter into Lease No. PRC 8456.1, a General Lease – Recreational Use, approved by the Commission on September 20, 2013, to Matthew A. Young and Pamela T. Young.
2. Authorize issuance of a General Lease – Recreational Use to Matthew Adrian Young and Pamela Diane Thompson Young, Trustees of the Young Family Trust dated May 16, 2013, beginning May 28, 2013, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, walkway, and three pilings as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$166, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8456.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Napa River lying adjacent to Swamp and Overflow Survey 107, patented September 3, 1877, County of Napa, State of California, more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, walkway and three (3) pilings lying adjacent to those parcels as described in Exhibit "A" of that Trust Transfer Deed recorded May 28, 2013 in Document 2013-0015225 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the right bank of the Napa River.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared February 26, 2015 by the California State Lands Commission Boundary Unit.





Napa

Flow

River

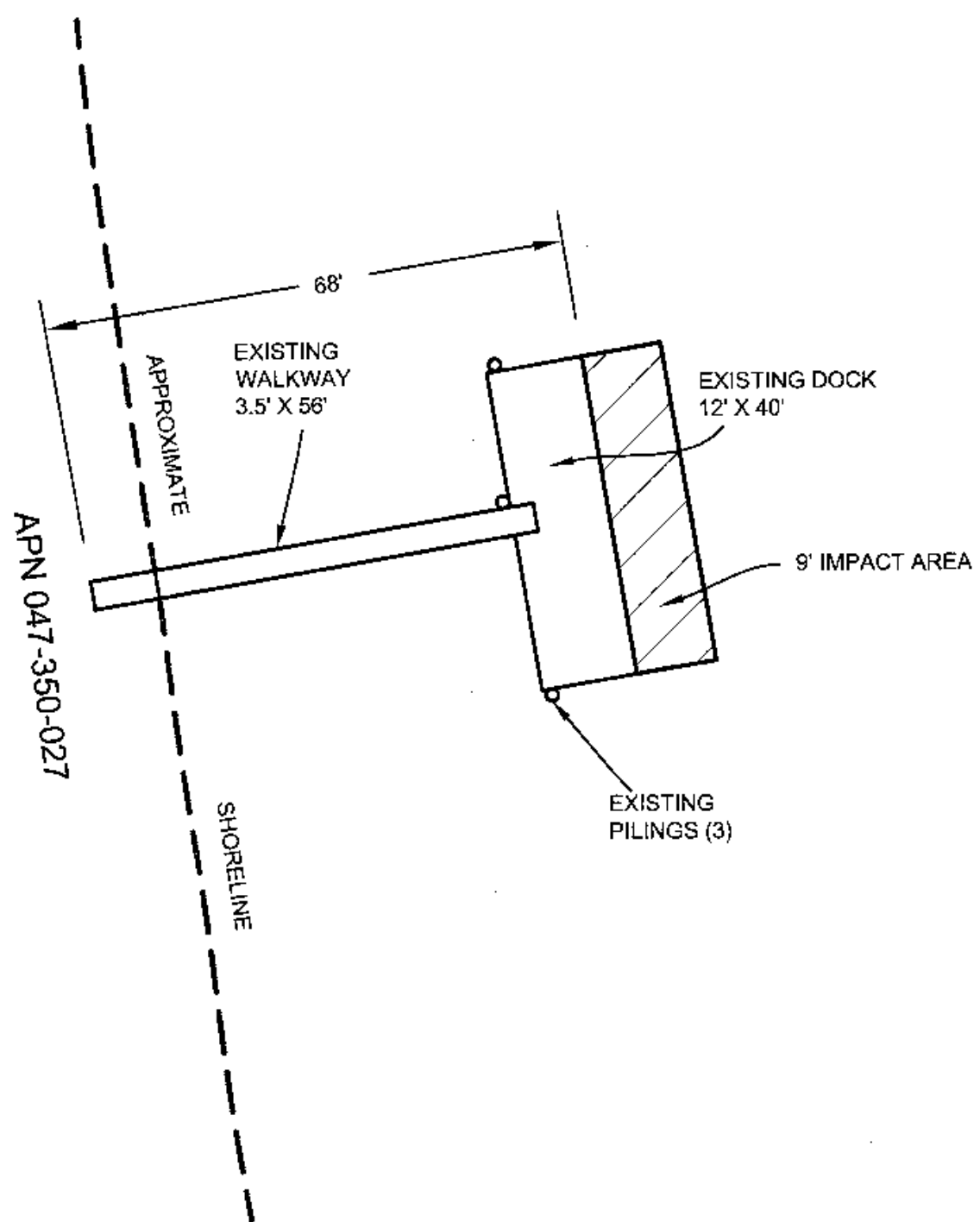


EXHIBIT A

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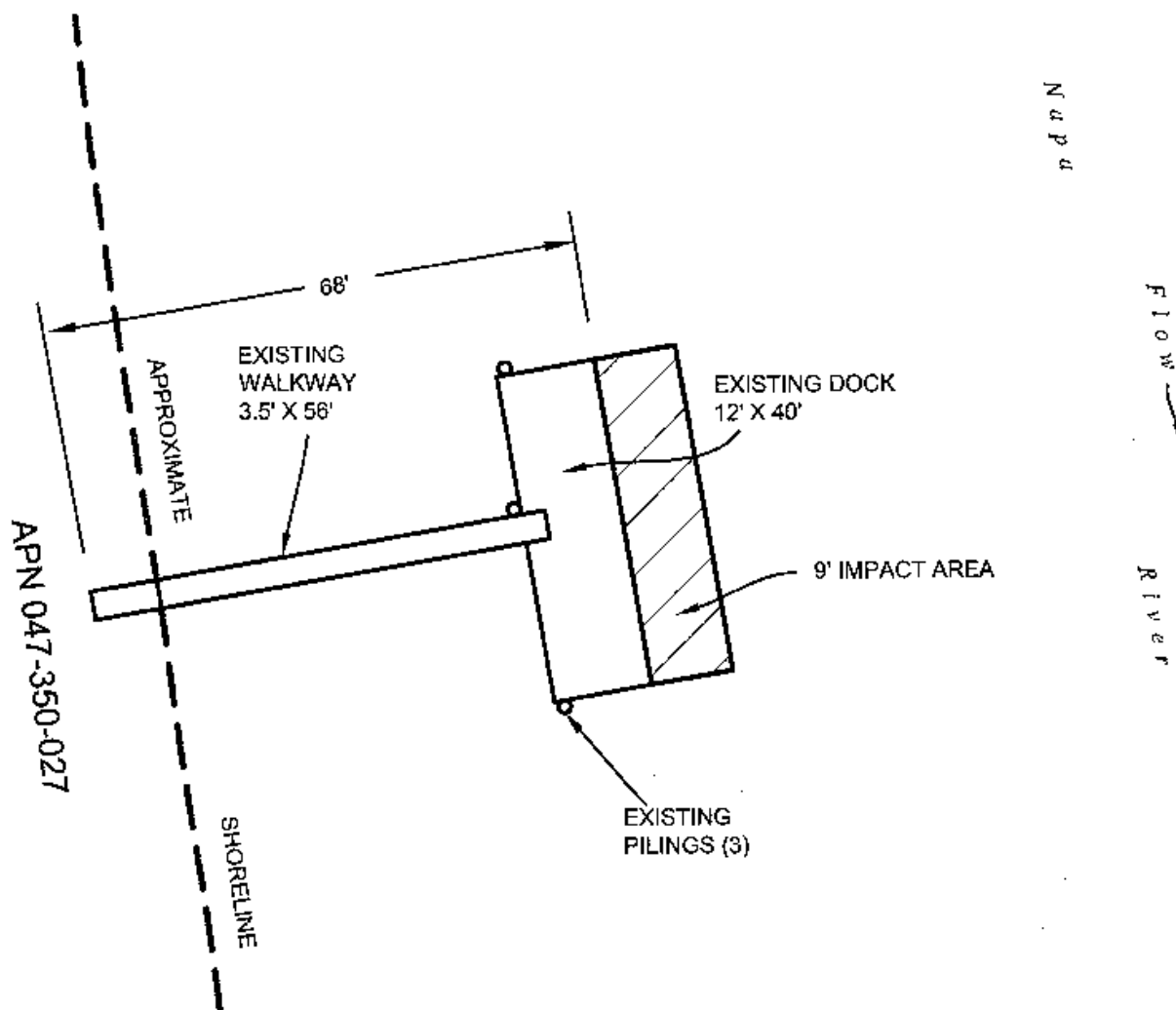
LAND DESCRIPTION PLAT
PRC 8456.1, YOUNG TRUST
NAPA COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



1308 MILTON ROAD, NAPA RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 8456.1
YOUNG TRUST
APN 047-350-027
GENERAL LEASE -
RECREATIONAL USE
NAPA COUNTY



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